

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.)
)
MICHAEL THEODORE ROUX,)
)
)
Defendant.)
)

4:04CR3127

MEMORANDUM AND ORDER

Defendant has moved for release, proposing residence in a halfway house, intensive outpatient treatment, attendance and sponsorship in AA/NA meetings, and employment other than his self employment. The government has not responded to the motion.

In my memorandum and order of April 26, 2005 I recounted the reasons the defendant's release poses danger to the community. I do not think the defendant's proposal ameliorates that danger. I am convinced that if given the chance, defendant will drink and drive, as he has done before.

He has demonstrated that he is unable or unwilling to abide by conditions of release when he is not closely supervised. His proposal for a halfway house living arrangement and intensive outpatient treatment does nothing more than what he has experienced at least twice before. I think nothing short of, at least, a residential treatment environment will provide the constant monitoring he needs.

Further, his proposal to be permitted to continue his business is not acceptable. He must work for someone where his presence, condition, and actions are constantly monitored.

Notwithstanding the above comments, I remain open to releasing the defendant, but only to a long-term residential and confrontational treatment program, such as NOVA. If he can be accepted at NOVA, I will permit him to be released to that program. Otherwise, I think the safety of the community demands that he remain in custody.

IT THEREFORE HEREBY IS ORDERED, the motion, filing 30, is denied.

DATED this 19th day of May, 2005.

BY THE COURT:

s/ *David L. Piester*
David L. Piester
United States Magistrate Judge